



Legislative Department
Seattle City Council
Memorandum

Date: February 18, 2011

To: Councilmember Sally J. Clark, Chair
Councilmember Tim Burgess, Vice Chair
Councilmember Sally Bagshaw, Member
Committee on the Built Environment (COBE)

From: Rebecca Herzfeld, Council Central Staff

Subject: February 23, 2011 COBE Meeting: Lowrise Multifamily “Clean-up” Bill

On December 14, 2010, the City Council adopted Ordinance 123495. This ordinance establishes new development standards for Lowrise (LR) multifamily zones, a new administrative design review process for townhouses, and other standards that apply in various zoning designations. In preparing to administer this legislation, staff from the Department of Planning and Development (DPD) has discovered corrections and clarifications that would facilitate use of the new provisions, in keeping with Council’s intent. Most of the amendments are minor technical changes (e.g. correcting outdated formatting and subsection references). The proposed ordinance also contains amendments that are clarifications to provisions or corrections of errors or omissions.

A version of this bill was introduced on February 7, 2011, as Council Bill (CB) 117104. However, due to questions raised during staff training sessions, DPD has identified the need for four additional corrections and clarifications. A new bill that includes these additional amendments will be introduced on February 28, and a second public notice will be provided on February 24. The additional corrections are also described in the table below.

The following table provides a brief description of the amendments:

Section & Page Number of CB 117104	Seattle Municipal Code Section	Description of proposed change
Sect. 1 Page 1	11.16.240 Traffic Engineer— Authority—Review and recommend	Corrects references to new Lowrise zone names.
Sect. 2 Page 1	15.16.040 Terms and conditions (for sidewalk cafes)	Corrects references to new Lowrise zone names and to formatting.

Section & Page Number of CB 117104	Seattle Municipal Code Section	Description of proposed change
Sect. 3 Page 5	22.206.160 Duties of owners	Clarifies that the duties of landlords of accessory dwelling units apply in multifamily as well as single family zones, and corrects formatting.
Sect. 4 Page 13	23.41.018 Streamlined administrative design review (SDR) process	Corrects the wording in the subsection that permits an adjustment through the SDR process of up to 10% in the development standards for building width and depth and façade length limits.
Sect. 5 Page 15	23.44.012 Height limits (Single-Family Zones)	Corrects references and formatting, and eliminates a height exception for sloping sites that is no longer needed because the newly adopted height measurement method allows for calculation of an average grade plane.
Sect. 6 Page 17	23.45.510 Floor area ratio (FAR) limits	Amends the FAR limits to: 1) Clarify what parking below grade means for the purpose of determining whether a rowhouse or townhouse qualifies for a higher FAR limit (added in new bill). 2) Clarify that the FAR exemption for preserving an existing single-family home that is visible from the street applies on corner lots, and the home may be moved to a visible location on the lot and still qualify for the exemption. 3) Treat rowhouses the same as townhouses and apartments by providing the same FAR exemption for partially below-grade floors (added in new bill).
Sect. 7 Page 22	23.47A.012 Structure height (Commercial Zones)	Corrects references, formatting (including to exhibit titles), eliminates an outdated height exception for monorails, and eliminates a height exception for sloping sites that is no longer needed because the newly adopted height measurement method allows for calculation of an average grade plane.
Sect. 8 Page 33	23.47A.013 Floor area ratio (Commercial zones)	Removes a reference to an exhibit that is proposed to be deleted from Section 23.47A.012, and corrects formatting.

Section & Page Number of CB 117104	Seattle Municipal Code Section	Description of proposed change
Sect. 9 Page 35	23.57.012 Commercial zones	Corrects references to the subsections that regulate the height and rooftop coverage of minor communication utilities and accessory communication devices in commercial zones, and corrects formatting.
Sect. 10 Page 37	23.84A.024 “L”	Clarifies the definition of “lot grade, existing” consistent with the intent of Ordinance 123495 to allow lots that have previously been excavated to interpolate the grade from the lot lines (allowing holes or depressions to be filled in), provided that the holes or depressions are filled in up to the walls of any new development.
Sect. 11 Page 38	23.84A.032 “R”	Corrects the numbering of various definitions of types of “residential use”, and clarifies the definition of rowhouse (the latter clarification is in the new bill).
Sect. 12 Page 39	23.86.006 Structure height measurement	<p>Clarifies two aspects of the height measurement method as follows:</p> <ol style="list-style-type: none"> 1) Under the general rule for height measurement, adds a simpler method as an option for determining the average grade on a lot. The current approach calculates the average grade using the midpoint of every wall segment of the proposed structure. The proposed optional method would allow for drawing a rectangle around the proposed structure and determining average grade using the midpoint of each of the four sides of that rectangle. <p>This simpler “drawing a rectangle” method is used successfully by many local jurisdictions, and should save time and money for applicants who opt to use it.</p> <ol style="list-style-type: none"> 2) Clarifies the option to the general rule that allows the average grade to be re-set multiple times to promote structures that better follow topography. The proposal would allow this option to be used on gently as well as steeply sloping lots, and would remove the requirement that the building be divided into equal segments for the purposes of measuring height.

Section & Page Number of CB 117104	Seattle Municipal Code Section	Description of proposed change
		Council's intent was to allow the use of this optional method on any lot, and not limit it only to lots with major grade changes of 20 feet or more.
Will be in the new bill	23.86.007 Gross floor area and floor area ratio measurement	Clarify how to measure the amount of gross floor area that extends no more than 4 feet above grade and that is exempt from floor area ratio calculations.

Staff Recommendation:

The proposed amendments are consistent with the original intent of the amendments adopted in Ordinance 123495. I recommend approval of the proposed amendments, as does the Department of Planning and Development. If the Council approves bill by March 14, 2011, the legislation would become effective on April 19, 2011, the same day that the Lowrise multifamily ordinance goes into effect.